

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.11594 of 2024

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Asha Devi Wife of Munna Prasad, resident of Village-Shahpur, P.O.-
Shahpurpatti, P.S.-Shahpur, District-Bhojpur.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna.
2. The Principal Secretary, General Administration Department, Bihar, Patna.
3. The Principal Secretary, Urban Development and Housing Department, Bihar, Patna.
4. The Secretary, State Election Commission (Municipality), Bihar, Patna.
5. The District Magistrate, Bhojpur.
6. The District Election Officer (Municipality) Bhojpur at Ara, District-Bhonpur at Ara.
7. The Executive Officer, Nagar Panchayat, District-Bhonpur at Ara.
8. Reena Devi, Wife of Singasan Teli resident of Village-Shahpur, P.O.-
Shahpurpatti, P.S.-Shahpur, District-Bhojpur.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Anil Kumar Singh, Advocate
For the State	:	Ms. Archana Meenakshi, G.P.- 6
For respondent no.7	:	Mr. Abhay Kumar Pandey, Advocate
For SEC	:	Mr. Ravi Ranjan, Advocate
		Mr. Girish Pandey, Advocate

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 05-08-2024 Heard Mr. Anil Kumar Singh, learned counsel for

the petitioner and Ms. Archana Meenakshi, learned G.P.-6.

2. The petitioner has prayed for grant of the

following reliefs:

*(i) for issuance of the appropriate
writ, order(s) or directions(s) in*



the nature of 'certiorari for setting aside the order dated 10.06.2024 passed in Case No.- 38 of 2023 (Reena Devi vs. Asha Devi) whereby and whereunder the State Election Commission declared the petitioner guilty and dismissed her from the post of Ward Councilor of Ward No.-8, Nagar Panchayat-Shahpur, District Bhojpur which was held in the year 2022 and the petitioner was elected as the Ward Councillor with immediate effect and further, directed the concerned authorities to take strict action against her on the ground that the State Election Commission has no jurisdiction to decide the matter once General Election result has been declared;

(ii) for issuance of the appropriate writ, order(s) or directions(s) in



the nature of 'Mandamus' for directing the concerned respondents, especially respondent no. 4 and 5 to absorb the petitioner on the post of Ward Councilor on the ground that neither her nomination was done on the basis of wrong information nor does her child was born after the cut-off date i.e. 04.04.2008; (iii) for issuance of any other relief(s) for which the petitioner is entitled for.

3. Though, the petitioner has challenged the order passed by the State Election Commissioner, Bihar, Patna duly communicated by the Officer on Special Duty vide memo no. 2531 dated 10.06.2024 (Annexure-P/2 to the writ petition), there is nothing on record to dispute the finding of the State Election Commission.

4. In that background, Mr. Singh submits that the petitioner is taking all steps under the Right to Information Act to procure the necessary details and in that background, he



may be granted liberty to move afresh armed with all the necessary documents.

5. Granting said liberty, the writ petition stands disposed of.

(Rajiv Roy, J)

Ravi/-

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